THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.26049 OF 2005

DATED: 21-04-2006

BETWEEN

Smt. Padma Raghuraj,

W/o. Sri Raghuraj Pershad Kapoor,

R/o. H.No.6-3-853/1/2, Ameerpet,

Hyderabad and others.

...PETITIONER

AND

Municipal Corporation of Hyderabad,

Rep. by the Commissioner,

B.R.K.R. Buildings, Tank Bund Road,

Hyderabad and another.

...RESPONDENTS

ORDER:

Petitioners seek a Writ of Mandamus to declare the impugned circular bearing No.182/TPS/CCP/01-05/3056 dated 06.08.2005 and the impugned letter of rejection bearing No.698/CSC/TP6/2005/3374 dated 08.09.2005 of the respondents as illegal and arbitrary.

Learned counsel for the petitioners submits that the petitioners are the joint owners of the property bearing Municipal No.5-9-35/7 situated at Basheerbagh, Hyderabad admeasuring

741 sq. yards and in order to develop the said property the petitioners entered into a Memorandum of Understanding dated 13.07.2005 with M/s. Shreeji Construction Company. Pursuant thereto petitioners have applied for permission for construction on 18.08.2005 but the same was rejected vide impugned order bearing No.698/CSC/TP6/2005/3374 dated 08.09.2005 on the basis of the circular instructions of the Commissioner bearing No.182/TPS/CCP/01-065/3056 dated 06.08.2005.

A perusal of the said circular goes to show that though permissions are being obtained for Ground + 3 floors with road widths less than 30' for non Group Housing during construction the same are being converted into Group Housing and therefore, instructions were given not to entertain any building proposals for Ground + 3 floors on the sites which abut less than 30' road width.

It is stated that the said circular is, in fact, contrary to the building rules in G.O.Ms.No.423, Municipal Administration and Urban Development dated 31.07.2005. In fact, the said building rules have been revised and new rules have been issued in G.O.Ms.No.86 Municipal Administration and Urban Development (M) Department dated 03.03.2006.

Therefore, I am of the opinion that the writ petition has become infructuous in view of the revised building rules in the aforesaid G.O.Ms.No.86 dated 03.03.2006. Accordingly, the writ petition is closed permitting the petitioners to file a revised plan in accordance with the revised building rules as amended from time to time.

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V. ESWARAIAH, J

April 21, 2006

DSK